



PATENT
Atty. Docket: G121-085 US

CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to the attention of MAIL STOP PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on October 20, 2004.

Annita Lise

Dated: 10/20/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hideo KATO
Serial No. : 10/826,649
Filing Date : April 16, 2004
Examiner : N/A
Group Art Unit : N/A
For : PORTABLE TERMINAL DEVICE

**Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

PETITION TO ACCEPT MISSING PARTS

Sir:

On checking the file of the above-identified application during our routine docketing procedure, Counsel noted that although this application was filed in April of 2004, the notice to file missing parts still had not been received. Further, there was no information available in the USPTO PAIR system.

Numerous telephone calls were then made to the OIPE to check the status of this application, only to be advised that the system was "down". Finally, on October 18, 2004, Ms. Robinson of the OIPE advised that a Notice to File Missing Parts issued on June 25, 2004. Counsel advised that this Notice was not received, and requested that a copy be forwarded to us, via telefax, in view of the now extended term of October 25, 2004. However, this Notice was never received by the undersigned.

Therefore, on October 20, 2004, still another telephone call was made to the OIPE. We spoke to Monica Young, who advised us to forward all missing parts to the Office of Petitions setting out the circumstances and requesting that the extension fees be waived, since this could not be done by the OIPE. Ms. Young immediately telefaxed copies of the Notice and the Official Filing Receipt (copies enclosed).

Counsel, therefore, respectfully requests that the two month extension of time fee be waived, and also respectfully requests that the petition fee be waived in view of the circumstances set out above.

In response to the Notice to File Missing Parts dated June 25, 2004, which was received by telefax on October 20, 2004, applicant respectfully submits the following documents to be entered into the file of the above-identified application:

1. Copy of Telephonic Notes of October, 2004 on PTO PAIR Page;
2. Telefax Copies of Notice to File Missing Parts and Official Filing Receipt;
3. Preliminary Amendment;
4. 13 Pg. English Language Application, including 8 claims and a 1 page Abstract;
5. Executed Declaration/Power of Attorney;
6. Assignment Recordal Cover Sheet w/ Cert. of Mailing;
7. Executed Assignment Document;
8. Certified Copy of Japanese 2003-118918; and
9. Check-Amt. \$235.00 - No. 5117
(Surcharge for English Translation/Oath/Assignment Recordal - SMALL ENTITY).

Counsel verifies that to the best of his knowledge, the translation provided is a true and accurate translation of the Japanese priority document, as filed.

Since all formalities have now been addressed, it is respectfully requested that the above-identified application be passed on to examination, and further that receipt of the certified copy be acknowledged in the first Official Action.

Further, although the undersigned believes no further fees should be required, if any fees are deemed necessary, the Commission is authorized to charge our Deposit Account No. 14-1431.

Respectfully submitted,



Peter C. Michalos
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Attorney for Applicant

(845) 359-7700

Dated: 10/20/08

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SUBMIT



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10-12-04 - DASHIE - 1-703-308-1202

10-13-04 - System Down

Ms. Robinson - System Still Down

(de)

10-15-04 OIPE - 703-308-1202
 System still down (?)

* 10-18-04 - Ms. Robinson - "see kinds of problems floated around" - formal letter / official filing kept. Will fax - issued on

6-15-04 (10/25 w/ 2 Mo. Ext.!) URGENT!!!

10/20/04 * Monica - Will fax - petition to Waive Ext Fees - Cannot do OIPE once papers



Patent Technology Center 1700

Facsimile Transmission

To: Name: Anita Lease
 Company:
 Fax Number: 8453597798
 Voice Phone:

From: Name: Monica Young
 Official Fax Number: (703) 872-9310
 Official After Final Fax Number: (703) 872-9311
 Voice Phone: 7033063482

37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

Fax Notes:

Date and time of transmission: Wednesday, October 20, 2004 8:49:30 AM
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